

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NANCE M. HUTTER,

Plaintiff

v.

COUNTRYWIDE BANK, N.A., a  
subsidiary of COUNTRYWIDE  
FINANCIAL CORPORATION  
WATERMARK CAPITAL, INC.  
NICHOLAS JOUTZ  
CLINT ELLIOTT  
EVOLUTION MORTGAGE INC.  
JOSEPH SCIACCA,

Defendants

Case no. 09-CIV-10092  
(ER)

**~~Proposed~~ Civil Case  
Discovery Plan and  
Scheduling Order**

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to rules 26(f) and 16 of the Federal Rules of Civil Procedure.

Plaintiff has demanded a jury on those causes of action to which she may be entitled to a jury.

Joinder of additional parties may be accomplished until November 28, 2012.

Amended pleadings may be filed with consent or by order of the Court.

The parties shall serve Initial Disclosures pursuant to Rule 26(f) within twenty-one (21) days of this Proposed Civil Case Discovery Plan and Scheduling Order being so-ordered.

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DATE FILED: 5/24/2012

[*Proposed* Civil Case Discovery Plan and Scheduling Order]

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**Discovery:**

1. Interrogatories are to be served by all counsel no later than July 9, 2012, and responses to such interrogatories shall be served within thirty days thereafter. The provisions of Local Civil Rule 33.3 shall apply to this case.
2. First request for production of documents, if any, to be served no later than July 16, 2012.
3. Fact depositions to be completed by December 5, 2012.
  - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
  - d. All party depositions shall take place in the Southern District of New York.
4. Any further interrogatories, including expert interrogatories, to be served no later than November 28, 2012.
5. Requests to Admit, if any, to be served no later than November 28, 2012.
6. Additional provisions relating to discovery agreed upon by counsel for the parties are not attached or made a part of this order, except that unless agreed or so ordered regarding a particular matter, all documents and electronically stored information may be produced in hardcopy or PDF format.
7. All fact discovery is to be completed by January 15, 2013.

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8. Discovery of information about expert witnesses will be conducted as follows:

July 1, 2012. Hutter will provide her expert witnesses' identities, curriculum vitae, and expert's reports;

September 1, 2012. Defendants will provide their expert witnesses' identities, curriculum vitae, and expert's reports;

January 30, 2013. All depositions of expert witnesses must be conducted by this date.

Next Case Management Conference: January 18, 2013 at 11:00am  
(this date will be set by the Court at the first conference)

This case has been designated to the Hon. Lisa Margaret Smith, United States Magistrate at White Plains for discovery disputes if the court is unavailable, and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Strict compliance with the trial-readiness date will be required. This Plan and Order may not be changed without leave of the Court or the assigned Magistrate Judge acting under a specific reference order.

Upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provided for trial readiness consistent with that agreed date.

SO ORDERED.

Dated: White Plans, New York  
May 24, 2012



Edgardo Ramos, United States  
District Judge